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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 11th September, 2015

No. 9698/L.A.— The following Bill which has been introduced in the Odisha Legislative Assembly on the 28th August, 2015 is herewith published under rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA PROHIBITION OF IMMERSION OF IDOLS IN SURFACE WATER
BODIES BILL, 2015**

(By Shri Ranendra Pratap Swain, MLA)

A

BILL

TO PROVIDE FOR PROHIBITION OF IMMERSION OF IDOLS IN THE SURFACE
WATER BODIES IN THE ENTIRE STATE OF ODISHA AND FOR MATTERS
CONNECTED THEREWITH

Be it enacted by the Legislature of the State of Odisha in the Sixty-sixth year of Republic of India as follows.

Short title, extent
and
commencement.

1. (1) This Act may be called The Odisha Prohibition of Immersion of Idols in Surface Water bodies Act, 2015.
- (2) It extends to the whole of the State of Odisha.
- (3) It shall come into force on such date as the State Government may, publish by Notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “biodegradable” means the material capable of being destroyed by the activity of living beings;
- (b) “Local Authority” means a Municipal Corporation, a Municipality, a Notified Area Council, an Industrial Township, or a Panchayat by whatever name called, constituted or continued under any law for the time being in force;
- (c) "non-biodegradable" means the material not capable of being destroyed by the activity of living beings or by natural biological process and which remains in the environment for a long period of time and has potential to harm the ecosystem;
- (d) "pollution" means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;"
- (e) "State Government" means Government of Odisha;
- (f) “Surface Water Bodies” means water of ponds, lakes, streams, rivers, estuaries or seas.
- (g) Words and expressions used but not defined in this Act, shall have the same meanings assigned to them in the Indian Penal Code, 1860.

Act No. 45 of 1860.

Imposition of prohibition of idol immersion in surface water bodies.

3. The State Government shall, with effect from the commencement of this Act, impose, ensure and enforce total prohibition of immersion of idols directly in any surface water bodies in the entire State.

Restriction or prohibition on use of certain non-biodegradable material.

4. No person shall make, sell, purchase idols made with any non-biodegradable materials including plaster of paris if meant for immersion:

Provided that idols shall be made from natural materials as described in the holy scripts. Use of traditional clay for idol making may be encouraged, allowed and promoted:

Provided further that Painting of idols shall be done with water soluble and nontoxic natural dyes. Natural colours used in food products and pharmaceuticals may be used. Uses of toxic and non-biodegradable chemical dyes for painting idols are strictly prohibited.

Duty of the Local Authority .

5. It shall be the duty of the Local Authority to—

- (i) provide suitable place in proper and convenient location in consultation with District Administration including Police, Water Resources Department Puja Committees, for construction of temporary confined ponds/bunds near the surface water body for idol immersion,
- (ii) construct temporary confined ponds/bunds of adequate numbers and sizes in the selected location near water body for the purposes of immersion of idols.
- (iii) notify such places and arrange for adequate publicity preferably a month before any festivals.
- (iv) provide separate bins near the confined ponds/bund for temporary deposit of biodegradable materials such as flowers, clothing etc and non-biodegradable material such as decorative materials.
- (v) provide for the removal of contents of bins placed at all locations near confined pond/ bund at regular intervals,
- (vi) arrange for composting of biodegradable garbage so collected and recycling of the non-biodegradable garbage so collected.

(vii) allow discharge of supernatant water from the temporary confined ponds/bunds to the main water course after requisite treatment if necessary.

(viii) Collect the settled sludge from the temporary confined ponds/bunds and dispose it properly in designated area.

Duty of Puja Committee to collect and deposit garbage etc. .

6. It shall be the duty of the every Puja Committees to,—

- (i) take their idols to the identified confined pond/bund for immersion,
- (ii) collect the biodegradables and non-biodegradable materials before immersion of idols and deposit the same in bins provided for temporary deposits near confined ponds/bunds.

Duty of State Pollution Control Board.

7. It shall be the duty of State Pollution Control Board to create mass awareness regarding ill effects of idol immersion in surface water bodies, through print and electronic media and to aware people for idol immersion in designated places identified for the purpose.

Penalties.

8. Whoever contravenes any of the provisions of this Act or any rules, notifications or order, made under this Act shall, on conviction, be punished with imprisonment for a term which may extend to two months or with fine which may extend to rupees two thousand or with both:

Provided that whoever having been convicted of an offence under this Act is again convicted of any offence under this Act, shall be punishable for the later offence with the double the penalty provided for:

Provided further that whoever in any manner aids, abates or is accessory to the commission of an offence under this Act shall on conviction, be punished with the penalty provided for the offence.

Offence to be cognizable and bailable.

9. Notwithstanding anything contained in the code of criminal procedure, 1973 an offence punishable under this Act shall be cognizable and bailable.

Act No. 2 of 1974.

Offence to be tried
summarily.

10. All offences under this Act shall be tried in a summary way by court not below the rank of a Judicial Magistrate of the First Class and the proviso of Sections 262 to 265 (both inclusive) of Code of Criminal Procedure, 1973 shall, as far as may be, apply to such trials.

Act No. 2 of 1974.

Power to make
rules.

11. (1) The State Government may by notification in Official Gazette make rules for carrying out the purposes of this Act subject to the provision in Section 4.

(2) In particular and without prejudice to the generality of the foregoing power, State Government may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act, shall as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions. The State Legislature makes modifications, if any, therein the rules shall thereafter have effect only in such modified form. So, however that such modifications shall be without prejudice to the validity of anything previously done under that rule.

Provision not in
derogation of
other laws.

12. The provision of this Act shall be in addition to and not in derogation of any other law, for the time being in-force.

Power to remove
difficulties.

13. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provisions or give such directions not inconsistent with the provisions of the Act as may appear to it to be necessary or expedient for the removal of the difficulty.

(2) Every order made under this section shall be laid as soon as made before the State Legislature.

Overriding effect
of the Act .

14. Notwithstanding anything contrary to any other law or rule, order or resolution made by the State Government in vogue, the provisions of this Act shall have effect.

STATEMENT OF OBJECTS AND REASONS

1. As per the Directive Principles of State Policy, it shall be the duty of State to save environment from pollution and protect wild life. Article 48-A, ensures Protection and improvement of environment and safeguarding of forests and wild life.

2. The Environment (Protection) Act, 1986 has been enacted to Provide for the protection and improvement of the environment and for matters connected therewith, and the Water (Prevention and control of Pollution) Act, 1974 was enacted to provide for the prevention, control and abatement of water pollution.

3. In the recent years the practice of immersion of idols has become a growing cause of concern on accounts of its adverse impacts on water bodies. With a general deterioration of water bodies due to growing population pressure and increasing pollution, the practice of immersion in current form and volume is posing a serious hazard to life and environment.

4. There has been a shift in use of plaster of paris in place of clay as base material for idol making by idol makers. Immersion of numbers of idols of non-biodegradable materials is wrecking havoc on water bodies.

5. For some years now it has been observed a growing awareness about the water pollution caused by the immersion of idols made out of Plaster of Paris, in natural water bodies such as lakes, rivers and the sea.

6. Recent studies conducted across different states in India have demonstrated rapid deterioration of water quality in lakes, streams and river water bodies as a result of this immersion practice.

7. It is expedient to provide for the prevention and control of water pollution and to maintain or restore wholesomeness of water:

8. It is proposed to celebrate all festive occasion in environmentally friendly manner.

9. As the existing provisions are inadequate to act as an effective deterrent to prevent water pollution due to immersion of idols in ponds, lakes and river.

10. Therefore it has been considered to provide an appropriate legislative frame work for imposing a total prohibition of immersion of idols in surface water bodies of the State to prevent the water pollution and maintain the water quality of the water body.

11. Accordingly it has been decided to undertake a legislation which envisages for total prohibition of immersion of idols in surface water bodies of the State to prevent the pollution of water bodies and taking cognizance of the offences, penalties have been proposed for violation of the provisions in order to curb the menace.

This Bill seeks to achieve the above objectives.

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SECRETARY

ODISHA LEGISLATIVE ASSEMBLY